

R E M A R K S

Claims 1-24 and 26 - 102 are pending in the present application.
Claims 1, 62, 85, 87-95, 101 and 102 are independent.

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A Request for Continued Examination has been filed herewith.

Petition Pursuant to 37 C.F.R. § 1.78(a)(3)

Applicants have, in a separate paper, petitioned to have accepted an unintentionally delayed amendment for a claim under 35 U.S.C. § 120 for the benefit of prior filed, copending nonprovisional applications:

U.S. Patent Application Serial No. 08/889,503, filed July 8, 1997;
U.S. Patent Application Serial No. 08/889,319, filed July 8, 1997;
U.S. Patent Application Serial No. 08/997,680, filed December 23, 1997; and
U.S. Patent Application Serial No. 08/883,308, filed June 26, 1997;

These prior applications each name as an inventor at least one inventor named in the present (later filed nonprovisional) application and discloses the named inventors invention claimed in at least one claim of the present (later filed nonprovisional) application in the manner provided by the first paragraph of 35 U.S.C. § 112. In addition, the prior application is:

- (i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America;
- or
- (ii) Complete as set forth in 37 C.F.R. Sec. 1.51(b); or
- (iii) Entitled to a filing date as set forth in 37 C.F.R. Sec. 1.53(b) or Sec. 1.53(d) and includes the basic filing fee set forth in 37 C.F.R. Sec. 1.16; or
- (iv) Entitled to a filing date as set forth in 37 C.F.R. Sec. 1.53(b) and has paid therein the processing and retention fee set forth in 37 C.F.R. Sec. 1.21(l) within the time period set forth in 37 C.F.R. Sec. 1.53(f).

Accordingly, Applicants have petitioned to have accepted an amendment to the present specification to contain, in the first sentence following the title, a reference to each prior application. This reference identifies each prior application by application number (consisting of series code and serial number) or international application number and international filing date and indicates the relationship of the applications. This reference is submitted during the pendency of the present application.

The reference identifying the prior application by application number or international application number and international filing date was unintentionally delayed. The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and the date the claim was filed was unintentional.

Priority Claim

The priority claim has been amended in accordance with 37 C.F.R. 1.78. The present application is a continuation-in-part of the following applications:

- (i) U.S. Patent Application Serial No. 08/889,503, filed July 8, 1997, which issued June 19, 2001 as U.S. Patent No. 6,249,772 to Walker et al. ("the '772 Walker patent'"); and
- (ii) U.S. Patent Application Serial No. 08/889,319, filed July 8, 1997, which issued July 4, 2000 as U.S. Patent No. 6,085,169 to Walker et al. ("the '169 Walker patent'");
- (iii) U.S. Patent Application Serial No. 08/997,680, filed December 23, 1997, which issued February 27, 2001 as U.S. Patent No. 6,193,155 to Walker et al. ("the '155 Walker patent'"); and
- (iv) U.S. Patent Application Serial No. 08/883,308, filed June 26, 1997, which issued August 31, 1999 as U.S. Patent No. 5,945,653 to Walker et al. ("the '653 Walker patent'");

Accordingly, the '772 Walker patent', the '169 Walker patent', the '155 Walker patent' and the '653 Walker patent' are each removed as a reference against the present application, and the rejected claims are allowable at least for that reason.

Section 102(e) Rejections

Claims 1 – 11, 15 – 49, 54 – 67, 82 – 84 and 87 - 102 stand rejected as anticipated by the '772 Walker patent'.

Claims 12 - 14 and 50 - 53 stand rejected as anticipated by U.S. Patent No. 6,085,169 ("the '169 Walker patent'").

Claims 68 – 80, 85 and 86 stand rejected as anticipated by U.S. Patent No. 6,193,155 ("the '155 Walker patent'").

Claim 81 stands rejected as anticipated by U.S. Patent No. 5,945,653 ("the '653 Walker patent'").

With the amendment of the priority claim to these patents, these patents are disqualified as prior art under Section 102(e), and the rejection of any claims based on those patents cannot be maintained. See, e.g., MPEP 706.02(b).

Thus the rejection of all pending claims should be withdrawn.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

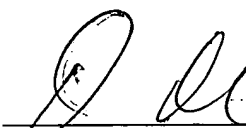
Petition for Extension of Time to Respond

Applicants hereby petition for a **three-month** extension of time with which to respond to the Office Action. Please charge \$465.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

April 23, 2003
Date



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